37 C.F.R. §1.607(a). In particular, the correspondence between the claims herein and those of the McCreery patent is provided herein below. The substantially copied claims may be specifically applied to Applicants' disclosures as follows:

COPIED CLAIMS	APPLICANT'S DISCLOSURE
29. (New) An apparatus for analyzing network activity, the apparatus comprising:	page 1, lines 5-8; page 4, lines 22-25; page 10, lines 5-19; page 32, lines 4-17; Figure 12
a packet capturing module, for accessing the packets traversing a network, the packets having source and destination addresses of network devices exclusive of the apparatus, and for filtering the packets to produce packet data, wherein the packet capturing module produces the packet data by retrieving a predetermined address, comparing the predetermined address to the source and destination addresses for a current packet and retaining the current packet when one of the source and destination addresses for the current packet matches the predetermined address;	page 4, lines 9-12; page 5, lines 10-18; page 10, line 21 to page 12, line 11; page 12, line 19- page 14, line 7; pg. 12, lines 5-8; page 15, line 15- page 16, line 4; Figures 1-6A; Abstract
a packet analyzing module, in communication with the packet capturing module, for producing decoded packet data, wherein the decoded packet data includes a plurality of patterns of packets, and for producing transaction data from the decoded packet data, wherein the transaction data is derived from a time value for identifying a substantially optimal collection of patterns of packets indicative of transaction instances; and	page 4, line 9- page 9, line 2; page 10, line 5- page 11, line 16; page 15, line 15- page 18, line 19; page 18, line 21- page 32, line 3; Figures 1-2 and 6A-11
a data management module, in communication with the packet capturing module and the packet analyzing module, for analyzing the packet data and the transaction data to provide an indication of network usage.	page 4, lines 9-25; page 6, line 12- page 8, line 12; page 10, lines 5-19; page 18, line 21- page 32, line 26; Figures 1-2 and 6A-12

30. (New) An apparatus for analyzing network activity, the apparatus comprising:	page 1, lines 5-8; page 4, lines 22-25; page 10, lines 5-19; page 32, lines 4-17; Figure 12
a packet capturing module, for accessing the packets traversing a network, the packets having source and destination addresses of network devices exclusive of the apparatus, and for filtering the packets to produce packet data, wherein the packet capturing module produces the packet data by accessing a predetermined address, comparing the predetermined address to the source and destination addresses for a current packet, and retaining the current packet when one of the source and destination addresses for the current packet matches the predetermined address;	page 4, lines 9-12; page 5, lines 10-18; page 10, line 21 to page 12, line 11; page 12, line 19- page 14, line 7; pg. 12, lines 5-8; page 15, line 15- page 16, line 4; Figures 1-6A; Abstract
a packet analyzing module, in communication with the packet capturing module, for producing decoded packet data and for producing transaction data from the decoded packet data; and	page 4, line 9- page 9, line 2; page 10, line 5- page 11, line 16; page 15, line 15- page 18, line 19; page 18, line 21- page 32, line 3; Figures 1-2 and 6A-11
a data management module, in communication with the packet capturing module and the packet analyzing module, for analyzing at least one of the packet data and the transaction data to provide an indication of network usage.	page 4, lines 9-25; page 6, line 12- page 8, line 12; page 10, lines 5-19; page 18, line 21- page 32, line 26; Figures 1-2 and 6A-12; ~~claims 1-2 and 4-8~~
31. (New) An apparatus for analyzing network activity, the apparatus comprising:	page 1, lines 5-8; page 4, lines 22-25; page 10, lines 5-19; page 32, lines 4-17; Figure 12
a packet capturing module, for accessing the packets traversing a network, the packets having source and destination addresses of network devices exclusive of the apparatus, and for filtering the packets to produce packet data, wherein the packet capturing module produces	page 4, lines 9-12; page 5, lines 10-18; page 10, line 21 to page 12, line 11; page 12, line 19- page 14, line 7; pg. 12, lines 5-8; page 15, line 15- page 16, line 4; Figures 1-6A; Abstract

the packet data by retrieving a predetermined port address, comparing the predetermined port address to a source port address for a current packet, comparing the predetermined port address to a destination port address for the current packet, and retaining the current packet when one of the source and destination port addresses for the current packet matches the predetermined port address;	
a packet analyzing module, in communication with the packet capturing module, for producing decoded packet data, wherein the decoded packet data includes a plurality of patterns of packets, and for producing transaction data from the decoded packet data, wherein the transaction data is derived from a time value for identifying a substantially optimal collection of patterns of packets indicative of transaction occurrences; and	page 4, line 9- page 9, line 2; page 10, line 5- page 11, line 16; page 15, line 15- page 18, line 19; page 18, line 21- page 32, line 3; Figures 1-2 and 6A-11
a data management module, in communication with the packet capturing module and the packet analyzing module, for analyzing the packet data and the transaction data to provide an indication of network usage.	page 4, lines 9-25; page 6, line 12- page 8, line 12; page 10, lines 5-19; page 18, line 21- page 32, line 26; Figures 1-2 and 6A-12
32. (New) An apparatus for analyzing network activity, the apparatus comprising:	page 1, lines 5-8; page 4, lines 22-25; page 10, lines 5-19; page 32, lines 4-17; Figure 12
a packet capturing module, for accessing the packets traversing a network, the packets having source and destination addresses other than an address corresponding to the apparatus, and for filtering the packets to produce raw packet data, wherein the packet capturing module produces the raw packet data by accessing a predetermined port address, comparing the	page 4, lines 9-12; page 5, lines 10-18; page 10, line 21 to page 12, line 11; page 12, line 19- page 14, line 7; pg. 12, lines 5-8; page 15, line 15- page 16, line 4; Figures 1-6A; Abstract

predetermined port address to a source port address for a current packet, comparing the predetermined port address to a destination port address for the current packet, and retaining the current packet when one of the source and destination port addresses for the current packet matches the predetermined port address;	
a packet analyzing module, in communication with the packet capturing module, for producing decoded packet data and for producing transaction data from the decoded packet data; and	page 4, line 9- page 9, line 2; page 10, line 5- page 11, line 16; page 15, line 15- page 18, line 19; page 18, line 21- page 32, line 3; Figures 1-2 and 6A-11
a data management module, in communication with the packet capturing module and the packet analyzing module, for analyzing at least one of the raw packet data, the decoded packet data, and the transaction data to provide an indication of network usage.	page 4, lines 9-25; page 6, line 12- page 8, line 12; page 10, lines 5-19; page 18, line 21- page 32, line 26; Figures 1-2 and 6A-12; ~~claims 1-2 and 4-8~~
33. (New) An apparatus for analyzing network activity, the apparatus comprising:	page 1, lines 5-8; page 4, lines 22-25; page 10, lines 5-19; page 32, lines 4-17; Figure 12
a packet capturing module, for accessing a plurality of packets traversing a network, the packets having source and destination addresses of network devices exclusive of the apparatus, and for filtering the packets to produce packet data;	page 4, lines 9-12; page 5, lines 10-18; page 10, line 21 to page 12, line 11; page 12, line 19- page 14, line 7; pg. 12, lines 5-8; page 15, line 15- page 16, line 4; Figures 1-6A; Abstract
a packet analyzing module, in communication with the packet capturing module, for producing decoded packet data and for producing transaction data from the decoded packet data, the packet decoding module comprising (a) and (b) following:	page 4, line 9- page 9, line 2; page 10, line 5- page 11, line 16; page 15, line 15- page 18, line 19; page 18, line 21- page 32, line 3; Figures 1-2 and 6A-11
(a) a packet decoder, for accessing the packet data and producing the decoded packet	page 16, line 13- page 18, line 19; Figures 1 and 2, 6A-6D, 7-9A, and

data by searching in text of the packet data for one or more key words; and (b) a decoded packet recompiler, in communication with the packet decoder, for accessing the decoded packet data, segregating the packets from the decoded packet data into separate transactions between nodes by ordering according to thread and a time interval, sequencing the packets corresponding to each separate transaction by identifying a packet position in a pattern corresponding to each separate transaction, and linking together the data in each separate transaction when the identified positions are determined to produce the transaction data, wherein the transaction data is derived from a time value and identifies a collection of the patterns of packets that is substantially optimal for identifying transaction instances; and a data management module, in communication with the packet capturing module and the packet analyzing module, for analyzing the packet data and the transaction data to provide an indication of network usage.	10-11 page 6, line 12- page 8, line 5; page 19, line 12- page 22, line 18; Figures 6C-11 page 4, lines 9-25; page 6, line 12- page 8, line 12; page 10, lines 5-19; page 18, line 21- page 32, line 26; Figures 1-2 and 6A-12
34. (New) An apparatus for analyzing network activity, the apparatus comprising: a packet capturing module, for accessing packets traversing a network, the packets having source and destination addresses of network devices exclusive of the apparatus, and for filtering the packets to produce packet data; a packet analyzing module, in communication with the packet capturing module, for producing decoded packet data and for producing transaction data from the decoded packet data, the packet analyzing module	page 1, lines 5-8; page 4, lines 22-25; page 10, lines 5-19; page 32, lines 4-17; Figure 12 page 4, lines 9-12; page 5, lines 10-18; page 10, line 21 to page 12, line 11; page 12, line 19- page 14, line 7; pg. 12, lines 5-8; page 15, line 15- page 16, line 4; Figures 1-6A; Abstract page 4, line 9- page 9, line 2; page 10, line 5- page 11, line 16; page 15, line 15- page 18, line 19; page 18, line 21- page 32, line 3; Figures 1-2 and 6A-11

comprising: a packet decoder, for accessing the packet data and producing the decoded packet data; and	page 16, line 13- page 18, line 19; Figures 1 and 2, 6A-6D, 7-9A, and 10-11
a decoded packet recompiler, in communication with the packet decoder, for accessing the decoded packet data, segregating the packets from the decoded packet data into separate transactions between nodes, sequencing the packets corresponding to each separate transaction, and linking together the data in each separate transaction to produce the transaction data; and	page 6, line 12- page 8, line 5; page 19, line 12- page 22, line 18; Figures 6C-11
a data management module, in communication with the packet capturing module and the packet analyzing module, for analyzing at least one of the packet data and the transaction data to provide an indication of network usage.	page 4, lines 9-25; page 6, line 12- page 8, line 12; page 10, lines 5-19; page 18, line 21- page 32, line 26; Figures 1-2 and 6A-12; ~~claims 1-2 and 4-8~~
35. (New) For use with a network activity analyzer capable of being coupled to a network transmission medium, a method of analyzing network activity, the method comprising:	page 1, lines 5-8; page 4, lines 22-25; page 10, line 5- page 12, line 2; page 32, lines 4-17; Figures 1-2 and 12
accessing packets traversing the network, the packets having source and destination addresses of network devices exclusive of the network activity analyzer;	page 4, lines 9-12; page 5, lines 10-18; page 10, line 21 to page 12, line 11; page 12, line 19- page 14, line 7; pg. 12, lines 5-8; page 15, line 15- page 16, line 4; Figures 1-6A; Abstract
filtering the packets to produce packet data by (a) through (c) following: (a) accessing a predetermined address; (b) comparing the predetermined address to the source and destination addresses for a current packet; and (c) retaining the current packet when	page 4, lines 9-12; page 5, lines 10-18; page 10, line 21 to page 12, line 11; page 12, line 19- page 14, line 7; pg. 12, lines 5-8; page 15, line 15- page 16, line 4; Figures 1-6A; Abstract

one of the source and destination addresses for the current packet matches the predetermined address; producing decoded packet data, wherein the decoded packet data includes a plurality of patterns of packets; producing transaction data from the decoded packet data, wherein the transaction data is derived from a time value and identifies a substantially optimal collection of patterns of packets indicative of transaction instances; and analyzing the packet data and the transaction data to provide an indication of network usage.	page 4, line 9- page 9, line 2; page 10, line 5- page 11, line 16; page 15, line 15- page 18, line 19; page 18, line 21- page 32, line 3; Figures 1-2 and 6A-11 page 4, line 9- page 9, line 2; page 10, line 5- page 11, line 16; page 15, line 15- page 18, line 19; page 18, line 21- page 32, line 3; Figures 1-2 and 6A-11 page 4, lines 9-25; page 6, line 12- page 8, line 12; page 10, lines 5-19; page 18, line 21- page 32, line 26; Figures 1-2 and 6A-12
36. (New) For use with a network activity analyzer capable of being coupled to a network transmission medium, a method of analyzing network activity, the method comprising: accessing packets traversing the network, the packets having source and destination addresses of network devices exclusive of the network activity analyzer; filtering the packets to produce raw packet data by (a) through (c) following: (a) accessing a predetermined address; (b) comparing the predetermined address to the source and destination addresses for a current packet; and (c) retaining the current packet when one of the source and destination addresses	page 1, lines 5-8; page 4, lines 22-25; page 10, line 5- page 12, line 2; page 32, lines 4-17; Figures 1-2 and 12 page 4, lines 9-12; page 5, lines 10-18; page 10, line 21 to page 12, line 11; page 12, line 19- page 14, line 7; pg. 12, lines 5-8; page 15, line 15- page 16, line 4; Figures 1-6A; Abstract page 4, lines 9-12; page 5, lines 10-18; page 10, line 21 to page 12, line 11; page 12, line 19- page 14, line 7; pg. 12, lines 5-8; page 15, line 15- page 16, line 4; Figures 1-6A; Abstract

for the current packet matches the predetermined address;	
producing decoded packet data;	page 4, line 9- page 9, line 2; page 10, line 5- page 11, line 16; page 15, line 15- page 18, line 19; page 18, line 21- page 32, line 3; Figures 1-2 and 6A-11
producing transaction data from the decoded packet data; and	page 4, line 9- page 9, line 2; page 10, line 5- page 11, line 16; page 15, line 15- page 18, line 19; page 18, line 21- page 32, line 3; Figures 1-2 and 6A-11
analyzing the decoded packet data and the transaction data to provide an indication of network usage.	page 4, lines 9-25; page 6, line 12- page 8, line 12; page 10, lines 5-19; page 18, line 21- page 32, line 26; Figures 1-2 and 6A-12
37. (New) For use with a network activity analyzer capable of being coupled to a network transmission medium, a method of analyzing network activity, the method comprising:	page 1, lines 5-8; page 4, lines 22-25; page 10, line 5- page 12, line 2; page 32, lines 4-17; Figures 1-2 and 12
accessing packets traversing the network, the packets having source and destination addresses of network devices exclusive of the network activity analyzer;	page 4, lines 9-12; page 5, lines 10-18; page 10, line 21 to page 12, line 11; page 12, line 19- page 14, line 7; pg. 12, lines 5-8; page 15, line 15- page 16, line 4; Figures 1-6A; Abstract
filtering the packets to produce packet data by: (a) accessing a predetermined port address; (b) comparing the predetermined port address to source and destination port addresses for a current packet; and (c) retaining the current packet when one of the source and destination port addresses for the current packet matches the	page 4, lines 9-12; page 5, lines 10-18; page 10, line 21 to page 12, line 11; page 12, line 19- page 14, line 7; pg. 12, lines 5-8; page 15, line 15- page 16, line 4; Figures 1-6A; Abstract

predetermined port address;	
producing decoded packet data, wherein the decoded packet data includes a plurality of pattens of packets;	page 4, line 9- page 9, line 2; page 10, line 5- page 11, line 16; page 15, line 15- page 18, line 19; page 18, line 21- page 32, line 3; Figures 1-2 and 6A-11
producing transaction data from the decoded packet data, wherein the transaction data is derived from a time value for identifying a substantially optimal collection of patterns of packets indicative of transaction occurrences; and	page 4, line 9- page 9, line 2; page 10, line 5- page 11, line 16; page 15, line 15- page 18, line 19; page 18, line 21- page 32, line 3; Figures 1-2 and 6A-11
analyzing the packet data and the transaction data to provide an indication of network usage.	page 4, lines 9-25; page 6, line 12- page 8, line 12; page 10, lines 5-19; page 18, line 21- page 32, line 26; Figures 1-2 and 6A-12
38. (New) For use with a network activity analyzer capable of being coupled to a network transmission medium, a method of analyzing network activity, the method comprising:	page 1, lines 5-8; page 4, lines 22-25; page 10, line 5- page 12, line 2; page 32, lines 4-17; Figures 1-2 and 12
accessing packets traversing the network, the packets having source and destination addresses of network devices other than an address corresponding to the network activity analyzer;	page 4, lines 9-12; page 5, lines 10-18; page 10, line 21 to page 12, line 11; page 12, line 19- page 14, line 7; pg. 12, lines 5-8; page 15, line 15- page 16, line 4; Figures 1-6A; Abstract
filtering the packets to produce raw packet data by: accessing a predetermined port address; comparing the predetermined port address to source and destination port addresses for a current packet; and retaining the current packet when one of the source and destination port addresses for the current packet matches the predetermined port address;	page 4, lines 9-12; page 5, lines 10-18; page 10, line 21 to page 12, line 11; page 12, line 19- page 14, line 7; pg. 12, lines 5-8; page 15, line 15- page 16, line 4; Figures 1-6A; Abstract

producing decoded packet data;	page 4, line 9- page 9, line 2; page 10, line 5- page 11, line 16; page 15, line 15- page 18, line 19; page 18, line 21- page 32, line 3; Figures 1-2 and 6A-11
producing transaction data from the decoded packet data; and	page 4, line 9- page 9, line 2; page 10, line 5- page 11, line 16; page 15, line 15- page 18, line 19; page 18, line 21- page 32, line 3; Figures 1-2 and 6A-11
analyzing at least one of the decoded packet data and the transaction data to provide an indication of network usage.	page 4, lines 9-25; page 6, line 12- page 8, line 12; page 10, lines 5-19; page 18, line 21- page 32, line 26; Figures 1-2 and 6A-12; ~~claims 1-2 and 4-8~~
39. (New) For use with a network activity analyzer capable of being coupled to a network transmission medium, a method of analyzing network activity, the method comprising:	page 1, lines 5-8; page 4, lines 22-25; page 10, line 5- page 12, line 2; page 32, lines 4-17; Figures 1-2 and 12
accessing packets traversing the network, the packets having source and destination addresses of network devices exclusive of the network activity analyzer;	page 4, lines 9-12; page 5, lines 10-18; page 10, line 21 to page 12, line 11; page 12, line 19- page 14, line 7; pg. 12, lines 5-8; page 15, line 15- page 16, line 4; Figures 1-6A; Abstract
filtering the packets to produce packet data;	page 4, lines 9-12; page 5, lines 10-18; page 10, line 21 to page 12, line 11; page 12, line 19- page 14, line 7; pg. 12, lines 5-8; page 15, line 15- page 16, line 4; Figures 1-6A; Abstract
producing decoded packet data by searching in text of the packet data for one or more key words;	page 16, line 13- page 18, line 19; Figures 1 and 2, 6A-6D, 7-9A, and 10-11

producing transaction data from the decoded packet data by (a) accessing the decoded packet data; (b) segregating the packets from the decoded packet data into separate transactions between nodes of the network by ordering according to thread and a time interval; (c) sequencing the packets corresponding to each separate transaction by identifying a packet position in a pattern corresponding to each separate transaction; and (d) linking together the data in each separate transaction when the identified positions are determined to produce the transaction data, wherein the transaction data is derived from a time value and identifies a collection of the patterns that is substantially optimal for identifying transaction instances; and	page 6, line 12- page 8, line 5; page 19, line 12- page 22, line 18; Figures 6C-11
analyzing the packet data and the transaction data to provide an indication of network usage.	page 4, lines 9-25; page 6, line 12- page 8, line 12; page 10, lines 5-19; page 18, line 21- page 32, line 26; Figures 1-2 and 6A-12
40. (New) For use with a network activity analyzer capable of being coupled to a network transmission medium, a method of analyzing network activity, the method comprising:	page 1, lines 5-8; page 4, lines 22-25; page 10, line 5- page 12, line 2; page 32, lines 4-17; Figures 1-2 and 12
accessing packets traversing the network, the packets having source and destination addresses other than an address corresponding to the network activity analyzer;	page 4, lines 9-12; page 5, lines 10-18; page 10, line 21 to page 12, line 11; page 12, line 19- page 14, line 7; pg. 12, lines 5-8; page 15, line 15- page 16, line 4; Figures 1-6A; Abstract
filtering the packets to produce raw packet data;	page 4, lines 9-12; page 5, lines 10-18; page 10, line 21 to page 12, line 11; page 12, line 19- page 14, line 7; pg. 12, lines 5-8; page 15, line 15- page 16, line 4; Figures 1-6A; Abstract
producing decoded packet data;	page 16, line 13- page 18, line 19;

	Figures 1 and 2, 6A-6D, 7-9A, and 10-11
producing transaction data from the decoded packet data by accessing the decoded packet data; segregating the packets from the decoded packet data into separate transactions between nodes of the network; sequencing the packets corresponding to each separate transaction; and linking together the data in each separate transaction to produce the transaction data; and	page 6, line 12- page 8, line 5; page 19, line 12- page 22, line 18; Figures 6C-11
analyzing at least one of the raw packet data, the decoded packet data, and the transaction data to provide an indication of network usage.	page 4, lines 9-25; page 6, line 12- page 8, line 12; page 10, lines 5-19; page 18, line 21- page 32, line 26; Figures 1-2 and 6A-12; ~~claims 1-2 and 4-8~~
41. (New) For use with a network activity analyzer capable of being coupled to a network transmission medium, a method of analyzing network activity, the method comprising;	page 1, lines 5-8; page 4, lines 22-25; page 10, line 5- page 12, line 2; page 32, lines 4-17; Figures 1-2 and 12
accessing packets traversing the network, the packets having source and destination addresses of devices exclusive of the activity analyzer;	page 4, lines 9-12; page 5, lines 10-18; page 10, line 21 to page 12, line 11; page 12, line 19- page 14, line 7; pg. 12, lines 5-8; page 15, line 15- page 16, line 4; Figures 1-6A; Abstract
filtering the packets to produce packet data;	page 4, lines 9-12; page 5, lines 10-18; page 10, line 21 to page 12, line 11; page 12, line 19- page 14, line 7; pg. 12, lines 5-8; page 15, line 15- page 16, line 4; Figures 1-6A; Abstract
producing decoded packet data by searching in text of the packet data for one or more key words;	page 16, line 13- page 18, line 19; Figures 1 and 2, 6A-6D, 7-9A, and 10-11
producing transaction data from the	page 6, line 12- page 8, line 5;

decoded packet data by accessing the decoded packet data; segregating the packets from the decoded packet data into separate transactions between nodes by ordering according to thread and a time interval; sequencing the packets corresponding to each separate transaction by identifying a packet position in a pattern corresponding to each separate transaction; and linking together the data in each separate transaction when the identified positions are determined to produce the transaction data, wherein the transaction data is derived from a time value and identifies a collection of the patterns that is substantially optimal for identifying transaction instances; and	page 19, line 12- page 22, line 18; Figures 6C-11 page 6, line 12- page 8, line 5; page 19, line 12- page 22, line 18; Figures 6C-11
producing translated transaction data from the transaction data wherein the translated transaction data includes response data aggregated according to a fixed time interval; and	page 32, lines 4-17
analyzing the packet data and the transaction data to provide an indication of network usage.	page 4, line 9- page 9, line 2; page 10, line 5- page 11, line 16; page 15, line 15- page 18, line 19; page 18, line 21- page 32, line 3; Figures 1-2 and 6A-11
42. (New) For use with a network activity analyzer capable of being coupled to a network transmission medium, a method of analyzing network activity, the method comprising;	page 1, lines 5-8; page 4, lines 22-25; page 10, line 5- page 12, line 2; page 32, lines 4-17; Figures 1-2 and 12
accessing packets traversing the network, the packets having source and destination addresses of devices exclusive of the activity analyzer;	page 4, lines 9-12; page 5, lines 10-18; page 10, line 21 to page 12, line 11; page 12, line 19- page 14, line 7; pg. 12, lines 5-8; page 15, line 15- page 16, line 4; Figures 1-6A; Abstract

filtering the packets to produce packet data;	page 4, lines 9-12; page 5, lines 10-18; page 10, line 21 to page 12, line 11; page 12, line 19- page 14, line 7; pg. 12, lines 5-8; page 15, line 15- page 16, line 4; Figures 1-6A; Abstract
producing decoded packet data;	page 16, line 13- page 18, line 19; Figures 1 and 2, 6A-6D, 7-9A, and 10-11
producing transaction data from the decoded packet data by accessing the decoded packet data; segregating the packets from the decoded packet data into separate transactions between nodes; sequencing the packets corresponding to each separate transaction; and linking together the data in each separate transaction;	page 6, line 12- page 8, line 5; page 19, line 12- page 22, line 18; Figures 6C-11 page 6, line 12- page 8, line 5; page 19, line 12- page 22, line 18; Figures 6C-11
producing translated transaction data from the transaction data; and	page 32, lines 4-17
analyzing the packet data and the transaction data to provide an indication of network usage.	page 4, line 9- page 9, line 2; page 10, line 5- page 11, line 16; page 15, line 15- page 18, line 19; page 18, line 21- page 32, line 3; Figures 1-2 and 6A-11
43. (New) An apparatus for analyzing network activity, the apparatus comprising:	page 1, lines 5-8; page 4, lines 22-25; page 10, line 5- page 12, line 2; page 32, lines 4-17; Figures 1-2 and 12
means for accessing packets traversing the network, the packets having source and destination addresses of devices exclusive of the network activity analyzer;	page 4, lines 9-12; page 5, lines 10-18; page 10, line 21 to page 12, line 11; page 12, line 19- page 14, line 7; pg. 12, lines 5-8; page 15, line 15- page 16, line 4; Figures 1-

	6A; Abstract
means for filtering the packets to produce packet data, wherein the means for filtering the packets to produce packet data includes routines for retrieving a predetermined address; comparing the predetermined address to the source and destination addresses for a current packet; and retaining the current packet when one of the source and destination addresses for the current packet matches the predetermined address;	page 4, lines 9-12; page 5, lines 10-18; page 10, line 21 to page 12, line 11; page 12, line 19- page 14, line 7; pg. 12, lines 5-8; page 15, line 15- page 16, line 4; Figures 1-6A; Abstract
means for producing decoded packet data, wherein the decoded packet data includes a plurality of patterns of packets;	page 4, line 9- page 9, line 2; page 10, line 5- page 11, line 16; page 15, line 15- page 18, line 19; page 18, line 21- page 32, line 3; Figures 1-2 and 6A-11
means for producing transaction data from the decoded packet data, wherein the transaction data is derived from a time value for identifying a substantially optimal collection of patterns of packets indicative of transaction instances; and	page 4, line 9- page 9, line 2; page 10, line 5- page 11, line 16; page 15, line 15- page 18, line 19; page 18, line 21- page 32, line 3; Figures 1-2 and 6A-11
means for analyzing the packet data and the transaction data to provide an indication of network usage.	page 4, lines 9-25; page 6, line 12- page 8, line 12; page 10, lines 5-19; page 18, line 21- page 32, line 26; Figures 1-2 and 6A-12
44. (New) An apparatus for analyzing network activity, the apparatus comprising:	page 1, lines 5-8; page 4, lines 22-25; page 10, line 5- page 12, line 2; page 32, lines 4-17; Figures 1-2 and 12
means for accessing packets traversing the network, the packets having source and destination addresses of devices exclusive of the network activity analyzer;	page 4, lines 9-12; page 5, lines 10-18; page 10, line 21 to page 12, line 11; page 12, line 19- page 14, line 7; pg. 12, lines 5-8; page 15, line 15- page 16, line 4; Figures 1-6A; Abstract

means for filtering the packets to produce packet data, wherein the means for filtering the packets to produce packet data includes routines for retrieving a predetermined address; comparing the predetermined address to the source and destination addresses for a current packet; and retaining the current packet when one of the source and destination addresses for the current packet matches the predetermined address;	page 4, lines 9-12; page 5, lines 10-18; page 10, line 21 to page 12, line 11; page 12, line 19- page 14, line 7; pg. 12, lines 5-8; page 15, line 15- page 16, line 4; Figures 1-6A; Abstract
means for producing decoded packet data;	page 4, line 9- page 9, line 2; page 10, line 5- page 11, line 16; page 15, line 15- page 18, line 19; page 18, line 21- page 32, line 3; Figures 1-2 and 6A-11
means for producing transaction data from the decoded packet data; and	page 4, line 9- page 9, line 2; page 10, line 5- page 11, line 16; page 15, line 15- page 18, line 19; page 18, line 21- page 32, line 3; Figures 1-2 and 6A-11
means for analyzing the packet data and the transaction data to provide an indication of network usage.	page 4, lines 9-25; page 6, line 12- page 8, line 12; page 10, lines 5-19; page 18, line 21- page 32, line 26; Figures 1-2 and 6A-12
45. (New) An apparatus for analyzing network activity, the apparatus comprising:	page 1, lines 5-8; page 4, lines 22-25; page 10, line 5- page 12, line 2; page 32, lines 4-17; Figures 1-2 and 12
means for accessing packets traversing the network, the packets having source and destination addresses for network devices exclusive of the network activity analyzer;	page 4, lines 9-12; page 5, lines 10-18; page 10, line 21 to page 12, line 11; page 12, line 19- page 14, line 7; pg. 12, lines 5-8; page 15, line 15- page 16, line 4; Figures 1-6A; Abstract

means for filtering the packets to produce packet data, wherein the means for filtering the packets to produce packet data includes routines for accessing a predetermined port address; comparing the predetermined port address to a source port address for a current packet; comparing the predetermined port address to a destination port address for the current packet; and retaining the current packet when one of the source and destination port addresses for the current packet matches the predetermined port address;	page 4, lines 9-12; page 5, lines 10-18; page 10, line 21 to page 12, line 11; page 12, line 19- page 14, line 7; pg. 12, lines 5-8; page 15, line 15- page 16, line 4; Figures 1-6A; Abstract
means for producing decoded packet data, wherein the decoded packet data includes a plurality of patterns of packets;	page 4, line 9- page 9, line 2; page 10, line 5- page 11, line 16; page 15, line 15- page 18, line 19; page 18, line 21- page 32, line 3; Figures 1-2 and 6A-11
means for producing transaction data from the decoded packet data, wherein the transaction data is derived from a time value for identifying a substantially optimal collection of packets indicative of transaction occurrences; and	page 4, line 9- page 9, line 2; page 10, line 5- page 11, line 16; page 15, line 15- page 18, line 19; page 18, line 21- page 32, line 3; Figures 1-2 and 6A-11
means for analyzing the packet data and the transaction data to provide an indication of network usage.	page 4, lines 9-25; page 6, line 12- page 8, line 12; page 10, lines 5-19; page 18, line 21- page 32, line 26; Figures 1-2 and 6A-12
46. (New) An apparatus for analyzing network activity, the apparatus comprising:	page 1, lines 5-8; page 4, lines 22-25; page 10, line 5- page 12, line 2; page 32, lines 4-17; Figures 1-2 and 12
means for accessing packets traversing the network, the packets having source and destination addresses for network devices other than an address corresponding to the network activity analyzer;	page 4, lines 9-12; page 5, lines 10-18; page 10, line 21 to page 12, line 11; page 12, line 19- page 14, line 7; pg. 12, lines 5-8; page 15, line 15- page 16, line 4; Figures 1-6A; Abstract

means for filtering the packets to produce raw packet data, wherein the means for filtering the packets to produce raw packet data includes routines for retrieving a predetermined port address; comparing the predetermined port address to a source port address for a current packet; comparing the predetermined port address to a destination port address for the current packet; and retaining the current packet when one of the source and destination port addresses for the current packet matches the predetermined port address;	page 4, lines 9-12; page 5, lines 10-18; page 10, line 21 to page 12, line 11; page 12, line 19- page 14, line 7; pg. 12, lines 5-8; page 15, line 15- page 16, line 4; Figures 1-6A; Abstract
means for producing decoded packet data;	page 4, line 9- page 9, line 2; page 10, line 5- page 11, line 16; page 15, line 15- page 18, line 19; page 18, line 21- page 32, line 3; Figures 1-2 and 6A-11
means for producing transaction data from the decoded packet data; and	page 4, line 9- page 9, line 2; page 10, line 5- page 11, line 16; page 15, line 15- page 18, line 19; page 18, line 21- page 32, line 3; Figures 1-2 and 6A-11
means for analyzing at least one of the decoded packet data and the transaction data to provide an indication of network usage.	page 4, lines 9-25; page 6, line 12- page 8, line 12; page 10, lines 5-19; page 18, line 21- page 32, line 26; Figures 1-2 and 6A-12; ~~claims 1-2 and 4-8~~
47. (New) An apparatus for analyzing network activity, the apparatus comprising;	page 1, lines 5-8; page 4, lines 22-25; page 10, line 5- page 12, line 2; page 32, lines 4-17; Figures 1-2 and 12
means for accessing packets traversing the network, the packets having source and destination addresses other than an address corresponding to the network activity analyzer;	page 4, lines 9-12; page 5, lines 10-18; page 10, line 21 to page 12, line 11; page 12, line 19- page 14, line 7; pg. 12, lines 5-8; page 15, line 15- page 16, line 4; Figures 1-6A; Abstract

means for filtering the packets to produce packet data;	page 4, lines 9-12; page 5, lines 10-18; page 10, line 21 to page 12, line 11; page 12, line 19- page 14, line 7; pg. 12, lines 5-8; page 15, line 15- page 16, line 4; Figures 1-6A; Abstract
means for producing decoded packet data by searching in text of the packet data for one or more key words;	page 16, line 13- page 18, line 19; Figures 1 and 2, 6A-6D, 7-9A, and 10-11
means for producing transaction data from the decoded packet data, wherein the means for producing transaction data includes routines for accessing the decoded packet data; segregating the packets from the decoded packet data into separate transactions between nodes by ordering according to thread and a time interval; sequencing the packets corresponding to each separate transaction by identifying a position in a pattern corresponding to each separate transaction; and linking together the data in each separate transaction when the identified positions are determined to produce the transaction, wherein the transaction data is derived from a time value and identifies a collection of the patterns that is substantially optimal for identifying transaction instances; and	page 6, line 12- page 8, line 5; page 19, line 12- page 22, line 18; Figures 6C-11
means for analyzing the packet data, and the transaction data to provide an indication of network usage.	page 4, lines 9-25; page 6, line 12- page 8, line 12; page 10, lines 5-19; page 18, line 21- page 32, line 26; Figures 1-2 and 6A-12
48. (New) An apparatus for analyzing network activity, the apparatus comprising;	page 1, lines 5-8; page 4, lines 22-25; page 10, line 5- page 12, line 2; page 32, lines 4-17; Figures 1-2 and 12
means for accessing packets traversing the network, the packets having source and destination addresses other than an address corresponding to the network activity analyzer;	page 4, lines 9-12; page 5, lines 10-18; page 10, line 21 to page 12, line 11; page 12, line 19- page 14, line 7; pg. 12, lines 5-8; page 15,

	line 15- page 16, line 4; Figures 1-6A; Abstract
means for filtering the packets to produce raw packet data;	page 4, lines 9-12; page 5, lines 10-18; page 10, line 21 to page 12, line 11; page 12, line 19- page 14, line 7; pg. 12, lines 5-8; page 15, line 15- page 16, line 4; Figures 1-6A; Abstract
means for producing decoded packet data;	page 16, line 13- page 18, line 19; Figures 1 and 2, 6A-6D, 7-9A, and 10-11
means for producing transaction data from the decoded packet data, wherein the means for producing transaction data includes routines for accessing the decoded packet data; segregating the packets from the decoded packet data into separate transactions between nodes; sequencing the packets corresponding to each separate transaction; and linking together the data in each separate transaction to produce the transaction data; and	page 6, line 12- page 8, line 5; page 19, line 12- page 22, line 18; Figures 6C-11
means for analyzing the decoded packet data and the transaction data to provide an indication of network usage.	page 4, lines 9-25; page 6, line 12- page 8, line 12; page 10, lines 5-19; page 18, line 21- page 32, line 26; Figures 1-2 and 6A-12

Pursuant to 37 C.F.R. §1.607(a) 1, Applicant presents the following proposed count 1:

1. An apparatus for analyzing network activity, the apparatus comprising:

a packet capturing module, for accessing packets traversing a network, the packets having source and destination addresses other than an address corresponding to the apparatus, and for filtering the packets to produce raw packet data, wherein the packet capturing module

produces the raw packet data by accessing a predetermined address, comparing the predetermined address to the network source address for a current packet, comparing the predetermined address to a network destination address for the current packet, and retaining the current packet where one of the network source and destination addresses for the current packet matches the predetermined address;

a packet analyzing module, in communication with the packet capturing module, for producing decoded packet data and for producing transaction data from the decoded packet data; and

a data management module, in communication with the packet capturing module and the packet analyzing module, for analyzing at least one of the raw packet data, the decoded packet data and the transaction data to provide an indication of network usage.

Applicants submit that patent claim 1 of U.S. Patent No. 5,787,253 and Applicants Claims 29 and 30 substantially correspond to proposed Count 1.

Pursuant to 37 C.F.R. §1.607(a) 1, Applicant presents the following proposed count 2:

2. An apparatus for analyzing network activity, the apparatus comprising:

a packet capturing module, for accessing packets traversing a network, the packets having source and destination addresses other than an address corresponding to the apparatus, and for filtering the packets to produce raw packet data, wherein the packet capturing module produces the raw packet data by accessing a predetermined port address, comparing the predetermined port address to a source port address for a current packet, comparing the predetermined port address to a destination port address for the current packet, and retaining

the current packet where one of the source and destination port addresses for the current packet matches the predetermined port address;

a packet analyzing module, in communication with the packet capturing module, for producing decoded packet data and for producing transaction data from the decoded packet data; and

a data management module, in communication with the packet capturing module and the packet analyzing module, for analyzing at least one of the raw packet data, the decoded packet data and the transaction data to provide an indication of network usage.

Applicants submit that patent claim 2 of U.S. Patent No. 5,787,253 and Applicants Claims 31 and 32 substantially correspond to proposed Count 2.

Pursuant to 37 C.F.R. §1.607(a) 1, Applicant presents the following proposed count 3:

3. An apparatus for analyzing network activity, the apparatus comprising:

a packet capturing module, for accessing packets traversing a network, the packets having source and destination addresses other than an address corresponding to the apparatus, and for filtering the packets to produce raw packet data;

a packet analyzing module, in communication with the packet capturing module, for producing decoded packet data; and for producing transaction data from the decoded packet data, the packet analyzing module comprising: a packet decoder, for accessing the raw packet data and producing the decoded packet data; and a decoded packet recompiler, in communication with the packet decoder, for accessing the decoded packet data, segregating the packets from the decoded packet data into separate transactions between

nodes, sequencing the packets corresponding to each separate transaction, and linking together the data in each separate transaction to produce the transaction data; and

a data management module, in communication with the packet capturing module and the packet analyzing module, for analyzing at least one of the raw packet data, the decoded packet data and the transaction data to provide an indication of network usage.

Applicants submit that patent claim 3 of U.S. Patent No. 5,787,253 and Applicants Claims 33 and 34 substantially correspond to proposed Count 3.

Pursuant to 37 C.F.R. §1.607(a) 1, Applicant presents the following proposed count 4:

4. For use with a network activity analyzer capable of being coupled to a network transmission medium, a method of analyzing network activity, the method comprising:

accessing packets traversing the network, the packets having source and destination addresses other than an address corresponding to the network activity analyzer;

filtering the packets to produce raw packet data by: accessing a predetermined address; comparing the predetermined address to a source address for a current packet; comparing the predetermined address to a destination address for the current packet; and retaining the current packet where one of the source and destination addresses for the current packet matches the predetermined address;

producing decoded packet data;

producing transaction data from the decoded packet data ; and

analyzing at least one of the raw packet data, the decoded packet data and the transaction data to provide an indication of network usage.

Applicants submit that patent claim 10 of U.S. Patent No. 5,787,253 and Applicants Claims 35 and 36 substantially correspond to proposed Count 4.

Pursuant to 37 C.F.R. §1.607(a) 1, Applicant presents the following proposed count 5:

5. For use with a network activity analyzer capable of being coupled to a network transmission medium, a method of analyzing network activity, the method comprising:

accessing packets traversing the network, the packets having source and destination addresses of network devices other than an address corresponding to the network activity analyzer;

filtering the packets to produce raw packet data by: accessing a predetermined port address; comparing the predetermined port address to a source port address for a current packet; comparing the predetermined port address to a destination port address for the current packet; and retaining the current packet where one of the source and destination port addresses for the current packet matches the predetermined port address;

producing decoded packet data;

producing transaction data from the decoded packet data; and

analyzing at least one of the raw packet data, the decoded packet data and the transaction data to provide an indication of network usage.

Applicants submit that patent claim 11 of U.S. Patent No. 5,787,253 and Applicants Claims 37 and 38 substantially correspond to proposed Count 5.

Pursuant to 37 C.F.R. §1.607(a) 1, Applicant presents the following proposed count 6:

6. For use with a network activity analyzer capable of being coupled to a network transmission medium, a method of analyzing network activity, the method comprising:

accessing the packets traversing the network, the packets having source and destination addresses other than an address corresponding to the network activity analyzer;

filtering the packets to produce raw packet data;

producing decoded packet data;

producing transaction data from the decoded packet data by: accessing the decoded packet data; segregating the packets from the decoded packet data into separate transactions between nodes of the network; sequencing the packets corresponding to each separate transaction, and linking together the data in each separate transaction to produce the transaction data; and

analyzing at least one of the raw packet data, the decoded packet data and the transaction data to provide an indication of network usage.

Applicants submit that patent claim 12 of U.S. Patent No. 5,787,253 and Applicants Claims 39 and 40 substantially correspond to proposed Count 6.

Pursuant to 37 C.F.R. §1.607(a) 1, Applicant presents the following proposed count 7:

7. For use with a network activity analyzer capable of being coupled to a network transmission medium, a method of analyzing network activity, the method comprising:

accessing packets traversing the network, the packets having source and destination addresses other than an address corresponding to the activity analyzer;

filtering the packets to produce packet data;

producing decoded packet data;

producing transaction data from the decoded packet data by accessing the decoded packet data; segregating the packets from the decoded packet data into separate transactions between nodes; sequencing the packets corresponding to each separate transaction; and linking together the data in each separate transaction to produce the transaction data; and

producing translated transaction data from the transaction data; and

analyzing at least one of the raw packet data, the decoded packet data, the transaction data, and the translated transaction data to provide an indication of network usage.

Applicants submit that patent claim 14 of U.S. Patent No. 5,787,253 and Applicants Claims 41 and 42 substantially correspond to proposed Count 7.

Pursuant to 37 C.F.R. §1.607(a) 1, Applicant presents the following proposed count 8:

8. An apparatus for analyzing network activity, the apparatus comprising:

means for accessing the packets traversing the network, the packets having source and destination addresses other than an address corresponding to the network activity analyzer;

means for filtering the packets to produce packet data, wherein the means for filtering the packets to produce raw packet data includes routines for accessing a

predetermined address; comparing the predetermined address to a source address for a current packet; comparing the predetermined address to a destination address for the current packet; and retaining the current packet where one of the source and destination addresses for the current packet matches the predetermined address;

means for producing decoded packet data;

means for producing transaction data from the decoded packet data; and

means for analyzing at least one of the raw packet data, the decoded packet data and the transaction data to provide an indication of network usage.

Applicants submit that patent claim 20 of U.S. Patent No. 5,787,253 and Applicants Claims 43 and 44 substantially correspond to proposed Count 8.

Pursuant to 37 C.F.R. §1.607(a) 1, Applicant presents the following proposed count 9:

9. An apparatus for analyzing network activity, the apparatus comprising:

means for accessing packets traversing the network, the packets having source and destination addresses other than an address corresponding to the network activity analyzer;

means for filtering the packets to produce raw packet data, wherein the means for filtering the packets to produce raw packet data includes routines for accessing a predetermined port address; comparing the predetermined port address to a source port address for a current packet; comparing the predetermined port address to a destination port address for the current packet; and retaining the current packet where one of the source and destination port addresses for the current packet matches the predetermined port address;

means for producing decoded packet data;

means for producing transaction data from the decoded packet data; and

means for analyzing at least one of the raw packet data, the decoded packet data and the transaction data to provide an indication of network usage.

Applicants submit that patent claim 21 of U.S. Patent No. 5,787,253 and Applicants Claims 45 and 46 substantially correspond to proposed Count 9.

Pursuant to 37 C.F.R. §1.607(a) 1, Applicant presents the following proposed count 10:

10. An apparatus for analyzing network activity, the apparatus comprising:

means for accessing packets traversing the network, the packets having source and destination addresses other than an address corresponding to the network activity analyzer;

means for filtering the packets to produce raw packet data;

means for producing decoded packet data;

means for producing transaction data from the decoded packet data, wherein the means for producing transaction data includes routines for accessing the decoded packet data; segregating the packets from the decoded packet data into separate transactions between nodes; sequencing the packets corresponding to each separate transaction; and linking together the data in each separate transaction to produce the transaction data; and

means for analyzing at least one of the raw packet data, the decoded packet data and the transaction data to provide an indication of network usage.

Applicants submit that patent claim 22 of U.S. Patent No. 5,787,253 and Applicants Claims 47 and 48 substantially correspond to proposed Count 10.

As disclosed in the present application, newly presented Claims 29-48 are patentable over U.S. Patent No. 5,787,253 because the subject matter is entitled to a priority date of at least August 10, 1995, which is prior to May 28, 1996, the filing date for U.S. Patent No. 5,787,253.

Applicant respectfully directs the Examiner to consider related, pending applications to U.S. Patent No. 5,787,253, to McCreery et al. In an Amendment mailed on November 18, 1997, McCreery et al. canceled independent claims 3, 14 and 26 to pursue their subject matter in a continuation application. Applicant has reviewed these claims and believes that the claims are directed to the same patentable invention as the present invention.

Respectfully submitted,

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